

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**PAUL JONES,**

**Plaintiff,**

**v.**

**MONTACHUSETT REGIONAL  
TRANSIT**

**AURTHORITY et al.**

**Defendant.**

**Civil Action No.419-cv-11093**

**(COMBINED WITH CASE 120-CV- 12076)**

002225 000150 USDC

**PLAINTIFF'S 56 c STATEMENTS OF FACTS  
PARTIALSUMMARY JUDGMENT**

1. Jones alleged violations of the TCPA in the form of unconsented-to cell phone calls made using an ATDS or artificial or prerecorded voice.<sup>1</sup> As relevant here, the TCPA prohibits "*any person*" from using an "[ATDS] or an artificial or prerecorded voice" to make "*any call* (other than a call made for emergency purposes or made with the prior express consent of the called party) . . . to *any* telephone number assigned to a . . . cellular telephone service . . . ." 47 U.S.C. § 227(b)(1)(A)(iii). See VAC Also See Affidavit ¶ 1.

2. The prohibition on autodialed and prerecorded/artificial voice message calls to cellular phones is not limited to "telephone solicitations"; as noted, it applies to "any call" and by its terms exempts only calls made for emergency purposes and calls made with the prior express consent of the called party. See 47 U.S.C. § 227(b)(1)(A)(iii); In re Rules & Reguls. Implementing the Tel. Consumer Prot. Act of 1991, 30 FCC Rcd. 7961, 8022-23 (2015), See Also Jones v Montachusets Regional Transit Authority First Circuit Order ¶ Dckt. 140. Also See **Affidavit ¶ 2.**
3. Plaintiff verbally revoked consent over 40 times, informing MART and its agents that they were to contact only the designated CCRD INC business lines (413) 315-4500 and (888) 680-4667 and not Plaintiff's personal 5417 Number. See VAC ¶¶ 5, 161, 40, 84, 161, 190, 195, 198, 221. See Also Plnt Affidavit ¶ 3.
4. Defendants MART called and left computerized prerecorded calls on my answering service after I revoked all consent as early as November 2017 in writing three times and the messages was not for an emergency purpose. See Also Plnt affidavit ¶ 3.
5. Defendants admit that Plaintiff received calls notifying him of potential trips (Marketing Sales Calls). See Defendants Answer Dckt 58 ¶ 83. Plaintiff affidavit ¶ 5.
6. Defendants admit plaintiff contacted MART employee Defendant Ivan and Crystal about the calls defendants MART made to plaintiff. See PMSJ ¶ Also See Case 4:19-cv-11093-TSH. See Plaintiffs VAC ¶ 84. Also See Defendants Answer Dckt. 54 ¶ 84.
7. Defendants admit MART placed calls to plaintiff. See Plnt. Affidavit ¶ 7. Also See Case 4:19-cv-11093-TSH. See Plaintiffs VAC ¶ 83. Also See Defendants Answer Dckt. 54 ¶

8. Defendant MART left 4751 artificial prerecorded messages on Plaintiff cellular telephone ("5417 Number") after plaintiff sent the first of three certified return receipt revocation demands 4751 of which were knowing and willful; Defendant MART used a prerecorded voice to make the calls; did not have plaintiffs prior written consent or express consent to leave the artificial prerecorded messages. See Affidavit ¶ 8.
9. "It is true that a verified pleadings should be "treated as the functional equivalent of an affidavit" and thus as admissible evidence. *See Rivera-Rivera v. Medina & Medina, Inc.*, 898 F.3d 77, 93 n.9 (1st Cir. 2018) (quoting *Sheinkopf v. Stone*, 927 F.2d 1259, 1262 (1st Cir. 1991)). *McDermet v. DirecTV, LLC*, Civil Action No. 19-11322- FDS, at \*10 (D. Mass. Jan. 21, 2021). See PMSJ ¶ 9.
10. The Plaintiff revoked consent on three differ occasions by certified return receipt mail See Exhibit 1.
11. The plaintiff revoked consent over 40 times verbally since on or about November 10, 2016. See Case 4:19-cv-11093-TSH. Dckt 7 Plaintiffs VAC ¶ 84. Also See Case 4:19-cv-11093-TSH Defendants Answer Dckt. 54 ¶ 84.
12. Defendants left over 4751 prerecorded messages on plaintiff 5417 Number answering service. See Exhibit 3.
13. Defendants called plaintiffs 5417 Number without consent or an emergency purpose since November 12, 2016, when plaintiff sent the first revocation letter.
14. Plaintiffs Partial Motion for summary Judgment is just for defendants leaving over 4000 prerecorded messages on plaintiff answering service. See Exhibit 1-5

15. Attached to this Affidavit are documents submitted in support of Plaintiff's Partial Motion for Summary Judgment for defendants leaving over 4750 prerecorded calls. See Plnt affidavit 14
16. Exhibit 1 is the copies of the original revocation letters I sent Certified or return receipt that defendants received on the dates of the USPS proof of tracking. See Plnt affidavit 15
17. Exhibit 2 contains a Sprint / T Mobile Subscriber Account Record (Bills) for the Plaintiff Paul Jones produced by Sprint downloaded from Sprint / T-Mobile website. See Plnt affidavit 16
18. Exhibit 3 is the prerecorded messages that MART left on my 5417 Number cell phone without my consent after I revoked consent over 40 times verbally and three times by USPS mail. See Plnt affidavit 17
19. Exhibit 4 are screen shots of some of the calls from my 5417 Number cell phone that was take on the day of the illegal calls from MART or on or about the day. See Plnt affidavit 18
20. Exhibit 5 is the cover page of the prerecorded voice mails CD that I gave to the court with over 500 artificial voice messages that I downloaded from Forevervoice.com and I submitted to CASE #: 4:19-cv-11093-MRG See Docket 7 Exhibit 24 on June 14, 2019 that the court has. See Plnt affidavit 1.

Paul Jones

/s/ Paul Jones

April 2, 2025

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## **CERTIFICATE OF SERVICE**

I hereby certify that on April 2, 2025, I electronically filed the foregoing document through the CM/ECF system, which automatically sends notice of such filing to all registered participants. In addition, I served a true and correct copy of the foregoing via electronic email to the following counsel of record:

Respectfully submitted,

Dated: April 2, 2025

Paul Jones /s/ Paul Jones Plaintiff,

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### **CERTIFICATE OF SERVICE**

I hereby certify that on April 1, 2025, I electronically filed the foregoing document through the CM/ECF system, which automatically sends notice of such filing to all registered participants. In addition, I served a true and correct copy of the foregoing via electronic email to the following counsel of record:

Respectfully submitted,

Dated: April 1, 2025



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